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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,  
v.

OMONIYI JOHNATHAN OMOTERE,

Defendant.

Case No. 2:21-cr-181-GMN-DJA

**Stipulation To Continue  
Sentencing Hearing**  
(Fifth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Mace J. Yampolsky, Esq., counsel for OMONIYI JOHNATHAN OMOTERE, that the sentencing hearing in the abovementioned case, which is currently scheduled for October 23, 2024 at 10:00 a.m., be continued and reset to a date and time convenient to the Court but not earlier than 60 days from the current hearing date for the following reasons:

1. The government and defense need additional time to prepare for the sentencing hearing. The government has been investigating newly obtained information

1 that may impact the parties' positions at sentencing and additional time is needed to  
2 complete the investigative process, conduct follow up analysis, and file the appropriate  
3 pleadings, if necessary.

4 2. Defense counsel recently had a medical procedure that has restricted his  
5 mobility, and he needs additional time to heal before attending the sentencing hearing.

6 3. Defense counsel will be out of the jurisdiction from November 18 to  
7 November 22, 2024, and from December 11 to December 21, 2024, and requests that the  
8 new hearing date not be set during that time.

9 4. The defendant is not incarcerated and does not object to the continuance.

10 5. The parties agree to the continuance.

11 6. The additional time requested herein is not sought for purposes of delay, but  
12 merely to allow the parties sufficient time within which adequately prepare for the  
13 sentencing hearing. Additionally, denial of this request for continuance could result in a  
14 miscarriage of justice, and the ends of justice served by granting this request, outweigh the  
15 best interest of the public and the defendant in a speedy sentencing hearing.

16 7. This is the fifth stipulation to continue the hearing.

17 DATED this 16th day of October, 2024.

18  
19 JASON M. FRIERSON  
20 United States Attorney

21 /s/ Mace J. Yampolsky, Esq.

22 By \_\_\_\_\_  
23 MACE J. YAMPOLSKY, ESQ.,  
24 Counsel for defendant Omotere

21 /s/ Kimberly M. Frayn

22 By \_\_\_\_\_  
23 KIMBERLY M. FRAYN  
24 Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 OMONIYI JOHNATHAN OMOTERE,

7 Defendant.  
8  
9

Case No. 2:21-cr-181-GMN-DJA

**Findings of Fact, Conclusions of Law,  
and Order**

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11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
13 the Court finds that:

14 1. The government and defense need additional time to prepare for the  
15 sentencing hearing. The government has been investigating newly obtained information  
16 that may impact the parties' positions at sentencing and additional time is needed to  
17 complete the investigative process, conduct follow up analysis, and file the appropriate  
18 pleadings, if necessary.

19 2. Defense counsel recently had a medical procedure that has restricted his  
20 mobility, and he needs additional time to heal before attending the sentencing hearing.

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22 November 22, 2024, and from December 11 to December 21, 2024, and requests that the  
23 new hearing date not be set during that time.

24 4. The defendant is not incarcerated and does not object to the continuance.

25 5. The parties agree to the continuance.  
26

1           6.       The additional time requested herein is not sought for purposes of delay, but  
2 merely to allow the parties sufficient time within which adequately prepare for the  
3 sentencing hearing. Additionally, denial of this request for continuance could result in a  
4 miscarriage of justice, and the ends of justice served by granting this request, outweigh the  
5 best interest of the public and the defendant in a speedy sentencing hearing.

6           7.       This is the fifth stipulation to continue the hearing.

7                               **ORDER**

8           THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the  
9 above-captioned matter, currently scheduled for October 23, 2024, at 10:00 a.m., shall be  
10 vacated and continued to January 7 , 2025, at the hour of 11:00 a.m.

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14       DATED this 16 day of October 2024.

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19                               HONORABLE GLORIA M. NAVARRO  
20                               United States District Court Judge  
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